

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Investigation of Tariffs Filed by ACS of)	CC Docket No. 02-36
Anchorage, Inc., and the National Exchange)	
Carrier Association)	
)	
December 17, 2001)	CCB/CPD No. 01-23
MAG Access Charge Tariff Filings)	

ORDER

Adopted: March 27, 2002

Released: March 28, 2002

By the Chief, Pricing Policy Division:

1. General Communication, Inc. (GCI), filed a request for a one-week extension of time until April 11, 2002, in which to file its opposition to the direct case of ACS of Anchorage, Inc. (ACS), in the above-captioned proceeding.¹ For the reasons discussed below, we deny GCI's request.

2. On December 31, 2001, the Competitive Pricing Division suspended for one day access tariffs filed by, *inter alia*, ACS and the National Exchange Carrier Association (NECA) in response to the *Rate-of-Return Access Charge Reform Order*,² imposed an accounting order, and initiated an investigation into the lawfulness of the rates contained in the tariff filings.³ On February 15, 2002, the Competitive Pricing Division released an order designating the issues for

¹ *General Communication, Inc., Request for an Extension of Time*, CC Docket No. 02-36 (filed Mar. 22, 2002).

² *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Second Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 19613 (2001) (*Rate-of-Return Access Charge Reform Order*). The tariff filings implemented certain access charge reforms adopted by the Commission in the *Rate-of-Return Access Charge Reform Order*.

³ *December 17, 2001 MAG Access Charge Tariff Filings*, CCB/CPD File No. 01-23, Order, DA 01-3023 (Competitive Pricing Division, released Dec. 31, 2001), *Erratum*, DA 01-3032 (Competitive Pricing Division, released Dec. 31, 2001) (collectively *Suspension Order*). The Division subsequently reconsidered the *Suspension Order* and terminated the investigation of, *inter alia*, a portion of the NECA tariff. *December 17, 2001, MAG Access Charge Tariff Filings*, CCB/CPD No. 01-23, Order on Reconsideration, DA 02-234 (Competitive Pricing Division, released Jan. 30, 2002).

investigation in connection with the rates in the ACS and NECA tariffs and set a pleading schedule for the parties.⁴ On March 1, 2002, the Competitive Pricing Division granted a limited extension of the pleading cycle.⁵ Under the revised schedule, ACS filed its direct case on March 21, 2002. NECA's direct case is due on March 28, 2002. Oppositions to the direct cases are due on April 4, 2002, with rebuttals being due on April 9, 2002. By statute, the Commission must conclude the investigation within five months.⁶

3. In support of its request for an extension of time in which to file its opposition to the direct case of ACS, GCI asserts that the complex issues presented by ACS's direct case will require extensive analysis and that that key GCI personnel will not be available during the allotted two-week period to assist in preparing its response. GCI submits that a limited extension would assure the Commission as complete a record as possible. GCI also asks that the rebuttal due date be extended for one week to April 16, 2002.

4. We hereby deny GCI's request for an extension of time in which to file its opposition to the direct case of ACS. Given that the Commission must address tariff investigations within five months, we conclude that a one-week extension of time for GCI to file its opposition to ACS's direct case would not serve the public interest because if we granted GCI additional time, the Commission would not have adequate time to resolve the issues designated for investigation. Moreover, the issues in this tariff investigation are largely related to ACS's annual access charge tariff for 2000, which GCI has previously challenged. Thus, GCI is already familiar with the issues here and maintaining the existing pleading cycle should not place any unreasonable burdens on GCI.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), 201(b), 204(a), and 205 of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 201(b), 204(a), and 205, and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the request for an extension of time to file its opposition filed by General Communication, Inc., IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss

⁴ *Investigation of Tariffs Filed by ACS of Anchorage, Inc., and the National Exchange Carrier Association*, CC Docket No. 02-36, CCB/CPD File No. 01-23, Order Designating Issues for Investigation, DA 02-371 (Competitive Pricing Division, released Feb. 15, 2002).

⁵ *Investigation of Tariffs Filed by ACS of Anchorage, Inc., and the National Exchange Carrier Association*, CC Docket No. 02-36, CCB/CPD File No. 01-23, Order, DA 02-505 (Competitive Pricing Division, released Mar. 1, 2002).

⁶ 47 U.S.C. § 204.

Chief, Pricing Policy Division